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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/446,395	12/22/1999	ULLA OLOFSSON	000515-175	2263

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WEBB, JAMISUE A

ART UNIT	PAPER NUMBER
3761	

DATE MAILED: 02/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/446,395

Applicant(s)

YOO ET AL.

Examiner

Jamisue A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 19 November 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other:

DETAILED ACTION

Specification

1. The specification is objected to as containing subject matter which was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification gives an oxygen/carbon ratio, but fails to disclose what the ratio is of. One of ordinary skill in the art would not be able to determine whether the ratio is a weight, volume, atomic or molar ratio without undue experimentation.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification gives an oxygen/carbon ratio, but fails to disclose what the ratio is of. One of ordinary skill in the art would not be able to determine whether the ratio is a weight, volume, atomic or molar ratio without undue experimentation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 2, and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langdon (5,368,910) in view of Grysiewicz et al. (5,913,851).

7. With respect to Claims 1, 3, 4 and 8: Langdon discloses the use an absorbent article with an absorbent body, backsheet and topsheet (column 2, lines 25-31), where the topsheet consists of a first material (Langdon's second layer) that can be either polyethylene or bicomponent material (column 2, lines 50-51). Langdon discloses the material being plasma-treated to make the surface more hydrophilic (column 8, lines 39-42).

8. Langdon, discloses that the use of the material layer being made of capillary fibers that are made hydrophilic by applying a plasma charge, however does not disclose the fibers being

having an oxygen/carbon ratio higher than 0.19. Grysiewicz discloses the use of a liquid permeable layer that is a nonwoven web that is treated to be made hydrophilic and is made of bicomponent fibers the core being polyester and the sheath (or outside) being polyethylene (column 9, lines 1-13). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the capillary fibers of Langdon, be the bicomponent fibers of Grysiewicz, in order to provide a topsheet that is soft and is sufficient enough to aid in liquid transfer to the absorbent structure. (see Grysiewicz, columns 8 and 9). It is the examiner's position that the oxygen/carbon ratio is inherent in the material itself, and due to the fact that Langdon and Grysiewicz disclose a nonwoven web made of fibers that are polyester and completely coated with polyethylene, and is treated with a plasma charge, then it is inherent that the material has an oxygen/carbon ratio that is greater than 0.19.

9. With respect to Claim 2: Langdon discloses the first material being a non-woven material. (column 6, line 58 and column 8, lines 47-48).
10. With respect to Claim 6, 7 and 9: Langdon discloses the topsheet being made from a second fibrous nonwoven layer (column 5, line 33), and is polypropylene (column 6, line 18).
11. With respect to Claim 10: Langdon discloses the polypropylene layer being located on the top of the layer with the polyethylene fibers (column 2, lines 22-54).
12. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langdon (5,368,910) in view of Grysiewicz et al. (5,913,851).
13. Langdon and Grysiewicz disclose the bicomponent fiber layer being closer to the core, and the polypropylene layer being located in top of that, however fails to teach the other way

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around, where the polypropylene component layer is located closer to the core and the bicomponent layer being located on to of that. It would have been obvious matter of design choice to have the polypropylene layer adjacent the core and the bicomponent layer on top of that, since the applicant has not disclosed that the placement of the two layers solves any stated problem or is for any particular purpose and it appears that the invention with the bicomponent layer closer to the core and the polypropylene layer on to of that would perform equally well. Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the bicomponent layer closer to the core and the polypropylene layer on top, since it has been held that rearranging of parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

14. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Langdon (5,368,910) and Grysiewicz et al. (5,913,851) in further view of Thomas et al. (4,351,784).

15. Langdon discloses the fibrous material (claimed first layer) can be webs, ribbons, and films, and discloses it can be apertured (column 6, lines 2), but fails to teach the use of a perforated plastic film. Thomas teaches the use of a corona treated perforated thermoplastic film (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the nonwoven web of the fibrous material, be in the form of a perforated film, as disclosed by Thomas, in order to provide increased liquid flow rate of liquid through the material. (See Thomas, abstract)

Response to Amendment

16. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.
17. With respect to applicant's argument that Langdon does not disclose that plasma-treatment is the preferred method: Langdon discloses "the advantage that is no surfactant residue on the surface of the fibers" see column 8, lines 41-43).

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yahiaoui et al. (5,945,175) discloses the use of a hydrophilic coating on a nonwoven web that can be used in an absorbent article.
19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John G. Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

jaw *JW*
January 29, 2002

Jaw. Chin